



Community Appearance Commission

Minutes

June 6, 2007

The regular meeting of the Salisbury Community Appearance Commission was called to order Wednesday, June 6, 2007, at 4 p.m. by Barbara Perry, Chair, in the Council Chamber, 217 South Main Street, Salisbury, North Carolina. The following members were present and absent:

Present: Greta Connor, Diane Gibbs, Barbara Lawther, Chad Morgan, Barbara Perry, Sara Robinson, Johnny Safrit, Bill Safrit, and Tom Wolpert

Absent: Suzette Davis

Staff: Joe Morris, Lynn Raker and Diana Moghrabi

Barbara Perry, Chair, called the meeting to order. The minutes of the May 2 meeting were approved as submitted. The Financial Report was accepted as submitted.

NEW BUSINESS

On behalf of the City of Salisbury Planning Board, Joe Morris made a presentation to the CAC on recommended changes to the sign ordinance. Planning Board has requested input from the CAC. No decision has to be made at this meeting.

The following text amendments to the Salisbury sign ordinance arise out of a variety of repeated requests to the City from local businesses and churches. Staff believes that the following amendments, if adopted, will benefit city businesses and churches as a whole and do not directly benefit one specific user. (Equal application)

Request to amend Article IX, Signs, of the Salisbury Zoning Code by making the following changes to the sign ordinance:

Sec. 9.05(3):	Signs Permitted by District
Sec. 9.05(8)(b.6):	Signs Permitted by District
Sec. 9.06:	Special Sign Provisions
Sec. 9.06(1A, 1C):	Special Sign Provisions
Sec. 9.10(8)(b):	Nonconforming Signs

Sections of the Planning Board report are copied in these minutes—Underlining represents recommended language and strikethroughs are recommendations for deletions. Commission discussion follows the report. The City recognizes the special relationship between the CAC and

the sign ordinance; so much of its origin has to do with the aesthetic considerations that were given in the 1980s when the sign ordinance was originally written.

City Council will take the official action of any changes to the zoning ordinance. Historic Preservation will also review these recommendations.

1. Sec. 9.05(3)(l) Signs Permitted by District-Downtown (B-5) district

This amendment is for the use (and re-use) of historic signs within the downtown zoning district. If adopted, all such signs would be required to receive a Certificate of Appropriateness by the Historic Preservation Commission (HPC).

(l) Historic signs, whether renovations of architectural artifacts, adaptive re-use of existing signs or authentic replications based on photographic evidence or other documentation, shall be allowed provided that:

1. All historic signs are subject to design review and issuance of a Certificate of Appropriateness by the minor works committee of the Historic Preservation Commission following criteria prescribed by the design guidelines for commercial properties.
2. The number of historic signs may not exceed the total number allowed for a property within the district.
3. The size of historic signs may vary depending on the historical accuracy of the renovation or replication but shall not exceed 50 square feet.
4. Historic signs may be located on the property in a manner consistent with historical evidence or other documentation.
5. Historic signs may be lighted in manner consistent with historical evidence or other documentation.

2. Sec. 9.05(8)(b.6) Signs Permitted by District-Church Signs in residential districts

Staff is unable to determine any quantifiable basis for limiting illuminated ground signs to churches on one or more acres. In addition, the U.S. Supreme Court has found that it is unconstitutional to regulate the content of certain signage.

- ~~6. For church signs--Bulletin board signs, both ground and wall signs, shall display only the name of the institution and other related information.~~

~~For lots of one (1) or more acres: Bulletin board~~ Ground signs may be up to ten (10) feet in height provided that there is a twenty-five-foot setback from any side or rear property line. This subsection is activated whenever height of ground sign exceeds five (5) feet. Such signs may be illuminated in accordance with section 9.11.

For lots of three (3) or more acres: Wall signs in the R-6A district shall be limited to no more than twelve (12) square feet per acre or fifty (50) square feet--whichever is less.

4. Illuminated signs: Ground signs ~~on lots of one (1) or more acres~~ may be illuminated, in accordance with section 9.11 for the following uses: elementary, junior high schools, and senior high schools; golf courses, parks, playgrounds, and community centers; residential group developments; permanent subdivision identification signs; church bulletin board signs. All illuminated signs shall be at least twenty-five (25) feet from any side or rear property line.

3. Sec. 9.06(18) Special Sign Provisions

This proposal originally came forward in 2002 by Mr. John Riley. His business is located in the M-1 (Light Industrial) district. Initially, based on the M-1 zoning, staff had great concern over the impact of electronic LED signage in a district that permits 100-square foot signage up to 30 feet in height.

After appearing before City Council, his petition was referred to the Planning Board for review and recommendation back to City Council. After months of committee work, a final proposal was drafted for Council consideration; however, Mr. Riley withdrew his petition.

Recently, three of the four colleges in the city learned of the Riley petition and asked why institutional zoning was not added to the permitted list. Based on the collective request, staff is proposing to simply include institutional districts to the language below.

(18) Electronic Light Emitting Diode (LED) Signage. Where a ground sign is permitted in office, institutional, commercial, or industrial districts, a manual or electronic LED changeable copy sign shall be permitted subject to the following provisions:

1. No more than 50% of the actual sign face, up to a maximum of 32 square feet, may consist of an LED changeable copy sign.
2. The sign shall not contain or display any type of flashing, scrolling, or animated message.
3. The LED changeable message, or display, shall remain fixed for a minimum of two (2) minutes. An exception to this provision shall be for display of time and/or temperature.

9.04(10) Moving signs or devices designed to attract attention, all or any part of which move by fluttering, rotating, spinning, or moving in some other manner, and are set in motion by movement of the atmosphere or by mechanical, electrical, or any other means. Such devices include, but are not limited to: banners, pennants, ribbons, streamers, spinners, propellers, or discs, whether or not any such device has a written message--provided that the following are allowed:

(c) Electronic LED changeable copy signs as described in Section 9.06(18).

4. Sec. 9.06(1A, 1C) Special Sign Provisions-Group Development Signs

This proposal is in response to the U.S. Supreme Court finding that the content of certain signage may not be regulated.

(1A) *Commercial group development signs, including signs for shopping centers:* The sign regulations below shall be applicable to "shopping centers" as defined in section 4.02 and other commercial group developments, regardless of the regulations of the district in which shopping centers are located, except B-5 (central business) district where the B-5 sign regulations as contained in section 9.05(3) shall be applicable.

SIGN TABLE

TABLE INSET:

Sign Type	Number	Maximum Size	Maximum Height	Comments
Ground-- Primary sign	1 per street frontage, with a maximum of 2	See (e) below	20 ft. for each sign	See (f) below
Ground-- Outparcels	1	35 sq. ft.	10 ft.	--
Wall or canopy	1 per business having frontage on a public street	See (a) below	N/A	For buildings less than 400 ft. from a public street right-of-way
Wall or canopy	1 per business having frontage on a public street	25% above requirement in (a) below	N/A	For buildings 400 ft. or more from a public street right-of-way

Sign Type	Number	Maximum Size	Maximum Height	Comments
Secondary wall sign(s)	1 or 2	No more than 32 sq. ft., or 20 percent of primary wall sign--whichever is more restrictive. Primary and secondary wall sign(s), when combined, shall not exceed the maximum allowable square footage in (a) below.	N/A	For offices or businesses that are within stores. Applicable only to stores with at least 150 feet facing a public street. For buildings less than 400 feet from a public street right-of-way.
Secondary wall sign(s)	1 or 2	No more than 40 sq. ft., or 20 percent of primary wall sign--whichever is more restrictive. Primary and secondary wall sign(s), when combined, shall not exceed the maximum allowable square footage in (a) below	N/A	For offices or businesses that are within stores. Applicable only to stores with at least 150 feet facing a public street. For buildings 400 feet or more from a public street right-of-way.
Directory-- Ground or wall signs	1	20 sq. ft.	See (b) below	See (b) below
Entrance; exit; off-street parking signs	1 of each per driveway	3 sq. ft. for each sign	3 ft. for each sign	See (c) below
Miscellaneous-- Ground or wall signs	--	6 sq. ft.	--	See (d) below

TABLE INSET:

Ground Signs for Group Developments With Only One or Two Stores			
Minimum Size of Store or Stores	Maximum Size of Sign	Maximum Height of Sign	Comments
Over 200,000 sq. ft.	120 sq. ft.	25 ft.	—At least 60% of the sign shall be used to name the store(s). —These provisions do not apply to phases of developments with a total of three or more planned stores.—
100,000--200,000 sq. ft.	100 sq. ft.	20 ft.	
50,000--100,000 sq. ft.	80 sq. ft.	20 ft.	
Less than 50,000 sq. ft.	60 sq. ft.	15 ft.	

~~(e) Such signs shall be limited to contain only the words "entrance" and "exit," with a business logo or the symbol arrow pointing in a direction meaning entrance or exit, and the name of the business shall be limited to no more than twenty-five (25) characters.~~

~~(f) At least forty (40) percent of the sign shall be devoted to identifying the commercial group development (which may or may not be a shopping center). The identification of the commercial group development shall not contain names of any stores or shops.~~

~~Up to sixty (60) percent of the sign may be used to identify individual stores or shops in the development, with a maximum of ten (10) square feet and a minimum of five (5) square feet allowable for each individual store or shop.~~

~~The height of the text letters in the individual stores or shops shall not exceed the text letters in the portion of the sign naming the group development, and the height of the text letters for the individual stores or shops shall be no less than four (4) inches.~~

~~When a commercial group development includes offices, this subsection shall be applicable, with individual offices having the same regulations for advertisement on the sign as are allowed for stores or shops.~~

(g) In lieu of one (1) primary ground sign allowed per street frontage, two (2) ground signs may be allowed in an approved group development provided that all of the following conditions exist:

~~The content of each sign is limited to the identification of one (1) particular business/office located on the premises and in front of said business/office.~~

(1C) Office group development signs. The sign regulations below shall be applicable to office group developments, regardless of the regulations of the district in which office group developments are located, except B-5 (central business) district where the B-5 sign regulations as stated in section 9.05(3) shall be applicable.

SIGN TABLE

TABLE INSET:

Sign Type	Number	Maximum Size	Maximum Height	Comments
Ground--Primary sign	See (a) below	See (b) below	10 ft. for each sign	See (c) and (d) below
Wall or canopy	1 per office	See (e) below	N/A	--
Directory--Ground or wall signs	1	20 sq. ft.	See (f) below	See (g) below
Entrance; exit; off-street parking signs	1 of each per driveway	3 sq. ft. for each sign	3 ft. for each sign	See (h) below
Miscellaneous--Ground or wall signs	--	6 sq. ft.	--	See (i) below

~~(d) At least forty (40) percent of the allowable signage shall be devoted to identifying the office group development by a common name. Up to sixty (60) percent of the allowable signage may be used to identify individual offices in the development, with more than twenty (20) percent of the allowable signage used for identifying any one (1) individual office. When two (2) signs are allowed abutting one (1) street in (a) above, one (1) sign may identify the name of the center and the other may identify names of offices in the center.~~

~~(h) Such signs shall be limited to contain only the words "entrance" and "exit," with a business logo or the symbol arrow pointing in direction meaning entrance to exit, and the name of the business shall be limited to no more than twenty five (25) characters.~~

5. Sec. 9.10(8)(b) Nonconforming Signs

This proposal has been requested by multiple business owners in the city. The argument is as follows: Since a non-conforming use may be replaced by another similar non-conforming use within 180 days (e.g. a non-conforming insurance agent could be replaced by another, different, insurance agent), then why could the new similar use not re-use the sign and simply change the face of the sign?

The proposal is to permit the face change of a non-conforming sign, but no other physical changes—or illumination change—of the sign would be permitted.

(8) Other than the required removal dates for signs in the above applicable subsections, on-premise signs shall not be required to be removed unless one (1) or more of the following conditions exist:

(a) As referenced in section 7.01(1)(d), signs shall not be rebuilt, altered, or repaired after damage exceeding sixty (60) percent of the fair market value immediately prior to damage.

~~(b) There is a name change in the business or organization.~~

(c) There is a relocation of the business or organization to another site where the sign is not allowable.

(d) As stated in section 9.09(4), entitled Abandoned, discontinued or obsolete signs, signs identifying businesses no longer in existence, products no longer being sold, services no longer being rendered, or signs and sign structures which have been abandoned shall be removed by the property owner(s) from the premises within one hundred twenty (120) days from the termination of such activities. The zoning administrator will provide thirty (30) days' written notice for the removal of signs in violation of this section, or to bring such signs into compliance.

(e) Signs may not be relocated unless such relocation is to an area which is in accordance with article IX Signs.

CAC Discussion

Sec. 9.05(3): Signs Permitted by District

The commission agreed with the proposed language.

Sec. 9.05(8)(b.6): Signs Permitted by District

Content regulation and illumination—The commission agreed with the proposed language.

Sec. 9.06: Special Sign Provisions

The LED signs have been through a lengthy process. The proposal is to add to the institutional campus. These signs are expensive and that is a controlling factor.

- This needs clarification.
- Control size of sign
- Limit to a number
- Is this in addition to a ground sign?
- Not interested in having in commercial areas
- Limit to Academic Institutions—The CAC does not wish to see LED signs everywhere in town.

A CAC subcommittee (Johnny Safrit, Barbara Perry, Chad Morgan, and Diane Gibbs) will meet to discuss these issues Tuesday, June 19, 2007 at noon in the first floor conference room at City Hall.

Sec. 9.06(1A, 1C): Special Sign Provisions

Constitutional “content” issue; Salisbury can control the overall size of the sign, where it is placed, and how it is illuminated; we should not get into the content and lettering. There is not a lot of discussion that can take place.

Sec. 9.10(8)(b): Nonconforming Signs

This has to do with signs not conforming in the various districts—too big, for instance. If you change the name of your business, the nonconforming sign should come into conformity. This is very hard to enforce.

There had been a 7-year amortization period to get businesses into compliance. There was a great deal of controversy in the community about this. City Council decided to grandfather all nonconforming signs. It is reasonable to expect that when the name of a business changes, the sign must come into compliance. Nonconforming signs should not be guaranteed infinite life spans. There needs to be some preclusion for cleaning them up. Those nonconforming sign owners should not have the advertising advantage over those who choose to follow the law.

COMMITTEE REPORTS

Neighborhoods & Education Committee

- The Neighborhoods & Education Committee met Wednesday, May 30, to review a game plan prepared for the Better Housing Committee (formed by the City Manager and consists of City Staff). The Better Housing Committee has met four times and has three subcommittees: Regulatory, Financial and Enforcement. A great deal of their work is based on the recommendations and finding of the CAC Neighborhood Leadership Alliance Subcommittee on Housing Conditions. The staff committee was given four months to come back to Council with some plan of action in response.
- The CAC Neighborhood Leadership Alliance will meet again in the fall. Meanwhile, they will receive a letter to make them aware of things that are happening as a result of their input. Barbara Perry suggested Bob Parnell, Chair of the Better Housing Committee, address the NLA in the fall to report staff findings.

- Lynn Raker showed the committee photos of the Park Avenue Neighborhood entrance signs.

Art in Public Places

Barbara Perry will bring brochures of the History and Art Trail to the next CAC meeting in August.

Landscaping

- Suzette Davis will install the Landscape of the Month signs.

Residential Nominations include:

Trip Sydna	125 W. Colonial Drive	nominated by Diane J. Gibbs
Taylor Jones & MA Hedgepeth	1505 Statesville Blvd	nominated by Diane J. Gibbs
Wayne Dover	1521 Statesville Blvd	nominated by Diane J. Gibbs
Larry Richard Haynes	501 Pinewood Ave	nominated by Diane J. Gibbs
The Fairmont	Horah & Fulton	nominated by Tom Wolpert

Barbara Perry had submitted a nomination to Barbara Lawther to pass on to the LOM committee.

Commercial Nominations include:

St. John's Lutheran Church		nominated by Diane Gibbs
Catawba College		nominated by Diane Gibbs
Summersett Funeral Home	1315 W. Innes St.	nominated by Diane Gibbs
F & M Bank Express	221 Statesville Blvd	nominated by Diane Gibbs
Taco Bell	Innes Street	nominated by Diana Moghrabi

Winners for June/July are highlighted.

MSD Grants/ISG

Lynn reported that there was a little extra money left in funding that was used to raise Carl Rimer's portion to 50 percent; she encouraged him to do a little more improvements.

Awards

There will be a meeting of the Awards Committee (to be set at a later date) in August; members of the committee are Barbara Perry, Chad Morgan, Barbara Lawther, Sara Robinson, and Tom Wolpert. Two members of the Tree Board will also be part of this committee.

OTHER BUSINESS

The City Council has appointed Suzanne Casey to the Community Appearance Commission to fill the vacancy left by the resignation of Cindee Bridges.

Being no further business the meeting adjourned at 5:30 p.m. The next regular CAC meeting will be August 1, 2007. Please note that there is no CAC meeting in July.

DM